

Submission 1

Mail Mail - Reference: 10/03144 and DA 306.1/2011

From: Caroline Turrise <Caroline.Turrise@breakthru.org.au>
To: "mail@fairfieldcity.nsw.gov.au" <mail@fairfieldcity.nsw.gov.au>
Date: 07/06/2011 4:25 PM
Subject: Reference: 10/03144 and DA 306.1/2011

Hi,

The development you propose (Fairfield Chase) is located at the back of our business located on Ware St, Fairfield and this is how we access our carpark via a back entrance (Council Lane). Could you please advise if during construction our access to this lane and subsequently our carpark will be affected.

Your response would be greatly appreciated.

Regards

Caroline Turrise
 MD Personal Assistant & CS Administrator

Tel: (02) 8884 3060
 Direct Line: (02) 8884 3060
 Fax: (02) 9831 7675
 Suite 14, Level 1
 125 Main St
 Blacktown NSW 2148
breakthru.org.au



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FAIRFIELD CITY COUNCIL	
- 9 JUN 2011	
TO: <i>J. Assuncan</i>	DOC ID:
FILE: <i>11/01313</i>	SCAN DATE:
CRM:	INITIALS:
LINK REF:	PAGES:
PROP No:	ASSESS No:

Submission 2

The City Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

FAIRFIELD CITY COUNCIL	
- 1 JUN 2011	
TO: V. Trescow	DOC ID:
FILE: 11/013/3	SCAN DATE:
CRM:	INITIALS:
LINK REF:	PAGES:



Comments Regarding an Application made to Council for Approval

Dear Sir,

(Please print details)

PROPOSAL: 10/03144 DA 306.1/2011

PREMISES: 49-61 SPENCER ST FAIRFIELD

APPLICATION NO: _____

I (Name) Joseph DiMARCIO

of (Address and Postcode) C61/1 McDONNELL ST CROWLEA 2230

Premises Affected (if different from above) OWN SHOP IN SPENCER ST NOT ADVERSELY AFFECTED

Telephone (Mobile & Home/Work) 0411462041

Signature: [Signature] Date: 28/5/2011

Political donations / gifts :

Has a person with a financial interest in this application made or will be making a reportable political donation or gift to any local Councillor or employee of this Council within the previous 2 years of making this application or its determination?

☒ NO

☐ YES -

the 'Political Donations and Gifts Disclosure Statement' must be completed pursuant to section 147(4) and (5) of the Environmental Planning and Assessment Act 1979, which is available from Council's Customer Service Team or downloadable from Council's website.

If you intend to make a reportable political donation or gift in the period from the lodgement of the application up until determination of the application, a 'Political Donations and Gifts Disclosure Statement' is required to be provided to Council within seven (7) days after the donation or gift is made.

For definitions of the terms 'gift', 'reportable political donation', 'local councillor', 'financial interest' and 'person are associated with each other' refer to the glossary of terms on the 'Political Donations and Gifts Disclosure Statement' available from Council's Customer Service Team or downloadable from Council's website.

Please turn over and provide any comments or objections you may have in relation to this development .

NB: Any comments and/or objections received will not be kept confidential and become open access information under the Government Information (Public Access) Act 2009.

COMMENTS: I make the following comments in respect to the abovementioned proposal. I understand that Council may discuss these matters with the applicant while negotiating design amendments.

NOT ONLY DO I AGREE WITH THIS APPLICATION BUT I FEEL IT HAS BEEN A LONG TIME COMING. BRINGING PEOPLE CLOSER TO A STATION SO THAT PUBLIC TRANSPORT CAN BE USED IS AN OBVIOUS WAY TO IMPROVE TRANSPORT WITH LESS TIME WASTE AND POLLUTION ETC.

HAVING SAID THE ABOVE I CAN NOT UNDERSTAND WHY NO STATE OR DEPARTMENT GOVERNMENT HAS BEEN LOCATED IN THE CITY OF FAIRFIELD AND GIVEN THE CITY NEW LIFE.

OBJECTIONS: I have viewed the plans and object to the development on the following grounds:

Mail Mail - Submission to DA 10/03144 and DA 306.1/2011

From: ben cribb <benc@hamptonspropertyservices.com.au>
To: "mail@fairfieldcity.nsw.gov.au" <mail@fairfieldcity.nsw.gov.au>
Date: 24/06/2011 4:12 PM
Subject: Submission to DA 10/03144 and DA 306.1/2011
Attachments: Let001kl-gManager_Final.pdf

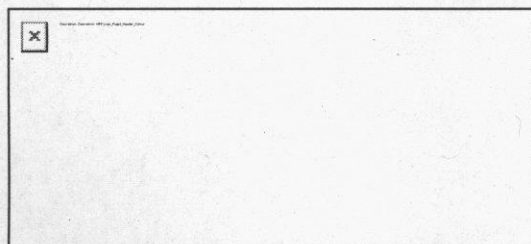
To Whom it May Concern,

Please find attached a copy of our submission to the aforementioned matter. The original has been placed in the mail.

Regards,

Benjamin Cribb

m 0414 065 788 ph +61 3 9939 6044 e benc@hamptonspropertyservices.com.au



Melbourne Office: 3/78 Commercial Road, Prahran VIC
Postal Address: PO Box 209 Prahran VIC 3181

Head Office: Suite 404, 203-233 New South Head Road,
 Edgecliff NSW 2027

www.hamptonspropertyservices.com.au

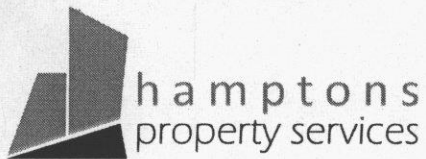
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FAIRFIELD CITY COUNCIL	
28 JUN 2011	
TO: <i>N. Ali</i>	DOC ID:
FILE: <i>11/01313</i>	SCAN DATE:
CRM:	INITIALS:
LINK REF:	PAGES:
PROP No:	ASSESS No:

Submission 3



Reference: 2011.055

24 June 2011

Mr. Alan Young
General Manager
Fairfield City Council
PO Box 21
FAIRFIELD NSW 1860

Dear Sir,

**DEVELOPMENT APPLICATION 10/03144 and DA 306.1/2011
FAIRFIELD CHASE REDEVELOPMENT**

Hamptons Property Services (Hamptons) has been retained by Idameneo (No. 123) Pty Limited (the Client).

The Client currently occupies the existing medical centre within the aforementioned site.

The Client has commissioned Hamptons to review the aforementioned development application at 49-61 Smart Street, Fairfield.

As part of our commission we have reviewed the development application documentation lodged by the Applicant. Having regard for this and our Client's interests, we make the following submissions with respect to the application.

1.0 The Facts

1.1 The Site

The site, located on a total land area of 5,662 m², currently contains a six storey commercial building, incorporating retail uses at the ground floor, fronting Smart Street.

Off street parking is also located above retail/commercial floor space at the ground floor level.

Within the development is an existing medical centre, occupying 1,343m².

1.2 The Development Application

Our understanding of the development application, as presented by the Applicant, is for the following:

- Retention of the existing commercial building;
- Retention of the ground floor slab with minor penetrations for services;
- Demolition of the remaining structures;
- Construction of a new medical centre;
- Construction of speciality shops;
- Construction of a child care centre; and
- Construction of two residential towers.

The outcome will result in the following floor space:

- 4,660m² of commercial floor space;
- 2,000m² of retail floor space;
- 1,225m² for a medical centre;
- 90m² for a child care centre; and
- 119 residential apartments.

Car parking will be provided for 260 vehicles, above ground.

The aforementioned information is taken from the Statement of Environmental Effects, prepared by James Lovell & Associates.

2.0 The Submissions

The following submissions are made, as set out below, with respect to the application.

2.1 Flooding

Clause 11 of the Fairfield Local Environmental Plan 1994 (the LEP) deals with **Development of Flood Liable Land** and states as follows:

- (1) *The Council must not consent to the erection of a building or the carrying out of a work on flood-liable land unless the provisions of the Council's Flood Management Policy that relate to the proposed development have been taken into consideration. Copies of the Flood Management Policy are available for inspection at the Council's Office.*
- (2) *The Council may refuse consent to an application to carry out any development which in its opinion will:*
 - (a) *adversely affect flood behaviour, including the flood peak at any point upstream or downstream of the proposed development and the flow of floodwater on adjoining lands,*
 - (b) *increase the flood hazard or flood damage to property,*
 - (c) *cause erosion, siltation or destruction of riverbank vegetation in the locality,*
 - (d) *affect the water table on any adjoining land,*
 - (e) *affect riverbank stability,*
 - (f) *affect the safety of the proposed development in time of flood,*
 - (g) *restrict the capacity of the floodway,*
 - (h) *require the Council, the State Emergency Service or any other Government agency to increase its provision of emergency equipment, personnel, welfare facilities or other resources associated with an evacuation resulting from flooding, or*
 - (i) *increase the risk to life and personal safety of emergency services and rescue personnel.*

The applicant has supplied insufficient information to deal with the potential flood levels associated with the site. In absence of such information, the current application cannot be determined.

2.2 Proposed Land Uses Within The Development

The Applicant's submission includes a child care centre within the development.

Pursuant to the (uncertified) **Draft Fairfield Local Environmental Plan** (the Draft LEP), a child care centre is permitted within the **B4 Mixed Use** zone.

However, **Clause 6.9** of the **Draft LEP** states that a child care centre shall not be erected within 100 meters of flood affected land.

Page 20 of the **Statement of Environmental Effects (SEE)** prepared by **James Lovell & Associates**, states that the site is partially affected by flooding. It then goes on to say that the position of the child care centre and associated open space is located at the first floor level.

The Applicant advises that a flood study is not considered necessary.

The inclusion of the child care centre is therefore deemed suitable by the Applicant.

It is our submission that:

- Despite these provisions being contained in a draft environmental planning instrument, for the benefit of forward planning, the location of child care centre on this site is prohibited, regardless of its location within the development.
- It is acknowledged that the Draft LEP is in an uncertified form; however, for the benefit of forward and future planning, and having regard to child safety, the approval of such a use on the site is considered to be irresponsible by the Council.
- At the very least, a flood study should be provided by the applicant to demonstrate that the use of the site for the said purpose is suitable. In addition, appropriate management and mitigation measures should be required of the applicant, by way of evacuation procedures in the event of emergency.

2.3 Proposed Building Height

The planning provisions that are contained within the **Fairfield Town Centre Development Control Plan (FTCDCP)** provide express provisions for the implementation of a Site Specific Development Control Plan (SSDCP) in certain circumstances.

The site the subject of this application is one such site that requires the establishment and implementation of specific controls.

Having regard to the development of the SSDCP, which has occurred concurrently with the preparation of this development application, there is concern with respect to the building height, as proposed.

Site specific planning provisions are usually implemented for a reason and the extent of deviation that is proposed within this development application gives rise to significant concerns.

The height, as proposed, being 66 metres for the northern tower and 51.5 metres for the southern tower, results in a significant departure from the height that has been determined as appropriate as part of the site-specific planning process.

The height of the northern tower is proposed at some 57% higher than that anticipated by the site-specific planning controls.

It is anticipated that the Council has gone to some lengths to establish an appropriate height for the site, and an outcome that provides for an additional proportion of height on the site that is greater than 50% of that previously considered appropriate is preposterous in planning terms.

In the **Outcomes Committee Report** prepared for the meeting dated **8 February 2011**, the following was provided by the Council on the matter of building height:

The key factor that defines the sites inability to achieve the desired FSR of 4:1, whilst confirming to the height limit of 42 metres, is the applicants decision to retain the existing 6 storey office tower. Council' officer's advised the applicant that there would be far greater flexibility and hence scope for meeting the above controls if the existing structures were demolished (such as underground car parking and choice and position of towers). The applicant was also advised that the purpose of a SSDCP is to offer the development the opportunity to design an innovative solution to the site because it is less encumbered by constraints.

The report goes on to state that *'the applicant advised that demolition of the existing office building is not an option as this would result in the entire proposal becoming economically unviable'*.

The aforementioned grounds of economic viability are not sufficient to deviate from the planning controls that have been envisaged as appropriate for the site by the Council. By retaining the existing structures, the applicant does not have an express right to additional building height, simply to achieve the floor space ratio that is permitted.

Aside from the above, the Applicant's position is that the proposed outcome, while having a greater impact in terms of solar access, will enable a faster moving shadow over the impacted area. A faster moving shadow does not detract from the impact that the building height will cause.

To approve a building height that maintains such a significant departure from the standard that has been so recently established by the Council, through composition of SSDCP, to then overhaul this at the first chance, is considered inappropriate and is not sound in planning terms.

While it is acknowledged that a control contained within a development control plan may be applied with some flexibility, a deviation to a control to this extent is inconsistent with accepted planning practice for deviation from planning controls.

In the event that such a standard were contained within a local environmental plan, then the accepted standard, in alignment with **State Environmental Planning Policy No. 1 – Development Standards**, is generally in the order of 10%. A departure in excess of 50% is inconsistent with accepted planning practice.

In addition, approval of an application to the extent proposed would be inconsistent with **Section 79C(1)(b) and (e) of the Act**. Such approval, which would see a reduction in the amount of solar access enjoyed within the public domain, is not in the public interest, despite the fact that the shadow may move more quickly.

It is therefore considered that the building height, as proposed is inconsistent with the SSDCP; accepted practice for deviation from planning controls and is not in the public interest.

2.4 Building Design

The SSDCP establishes a requirement for one level of basement car parking to be provided.

Again, the retention of the existing slab structure and associated levels above does not enable an express right to exceed, or not comply with, the planning controls simply having regard to matters of economic viability.

Expressly set out in the SSDCP for the site is the need for one level of parking to be located in a basement structure.

Economic viability is claimed by the applicant as justification for not complying with this control, through the retention of the existing structures.

Again, and as set out previously, the recent preparation of the SSDCP should not be discounted. The Council's express desires for the site are contained within this document and, to do away with, at first chance, key desired objectives for the site, is considered inappropriate and a poor response in planning terms.

Parking provided at the upper floor levels as part of the building envelope does not allow for natural surveillance over the public domain and is therefore inconsistent with best practice crime prevention through environmental design principles.

Ideally, open structures to the street frontage, adjoining retail and/or commercial spaces is considered to represent a far superior outcome, having regard to passive surveillance opportunities, over that proposed.

In addition, the inclusion of a basement level of parking would assist to alleviate the potential difficulties pertaining to the shortfall of car parking on the site, which are discussed in **Section 2.5**, below.

The applicant indicates that, due to flooding issues associated with the site, basement car parking is not feasible. However, there is no flooding study accompanying the application to support this position. Therefore, a determination by the Council, in absence of establishing the flooding extent attributable to the site is remiss. The only sound justification from this requirement is by documentary evidence to support the position.

Until such time as this matter is evidenced to the Council, the provision of underground car parking to assist with the short fall of spaces on the site cannot be discounted.

2.5 Car Parking

The following position is established by **Varga Traffic Planning Pty Ltd** as part of the development application, with respect to the existing situation:

- The site is currently provided with 171 car parking spaces;
- The existing uses within the development require 272 car parking spaces;
- Therefore, there is an existing shortfall of 101 car parking spaces.

Having regard for this, the **Traffic Impact Assessment (TIA)** provides that:

- The demand generated by the proposal retail, medical and office space generates a need for 248.2 spaces.
- The demand generated by the child care centre is five spaces.
- The demand generated by the residential component of the site is 166.75 spaces.
- The total demand generated by the development is **419.95 spaces**.

The proposed development will provide **for 257 off street car parking spaces**. This represents a shortfall of **163 spaces** associated with the demand of the development.

The Applicant has taken the position that, as the existing site operates with a shortfall of 103 spaces, it is suitable to further increase this shortfall by an additional 63 spaces. The quantum proposed is only 60% of the required number of spaces as a result of the development.

The Applicant relies on the site's location in close proximity to public transport, and opportunities for multi-purpose trips; as a result, this 40% shortfall is justified as sufficient.

The deficiencies in this approach are as follows:

- The applicant has not undertaken an actual survey to establish what the existing demand associated with the use of the site is. Therefore, the impact of the potential shortfall has not been appropriately established, nor the actual demand associated with the current use of the site.
- The existing deficiency should be applied to the development site as a whole and not further reduced over the planning requirements.
- Given the existing shortfall of spaces, at the very least, the proposed residential component of the development should be required to provide the sufficient number of car parking spaces associated with the site.

Based on the proposed deficiency in car parking, in the event that there is a shortfall in on-site provision associated with the residential use of the site, an overflow is likely to occur to the retail

car parking area within the development. This will result in a further burden to the retail capacity of the site and impact on the accessibility of the site for customers.

This is not considered acceptable from our Client's perspective, having regard to the required number of spaces associated with the operation of a medical centre.

In addition, there is concern that subsequent upon approval of this application, it would be necessary for a further approval for 'use' to be made to the Council to occupy the medical centre space. In the event that this is done subsequent upon other retail approvals, such an application may be refused by the Council on the basis that there is insufficient on-site car parking available to service the development.

Therefore, at the very least, in the event that this primary application is approved, it must be done so with the 'use' of the premises as a medical centre; the only subsequent application is that for fit-out works, so that our client's interests are secured within the site.

Council should also have regard for development consent **DA 134/98** which deals with the on-going use of the medical centre. This has certain requirements which must be adhered to and, in the event that the existing medical centre is retained, there is a potential breach of that consent. A copy of this is attached for Council's reference.

The inclusion of the child care centre within the development also has the potential to reduce the availability of car parking within the site during peak periods. We would anticipate that, at a minimum during peak periods, designated spaces in close proximity to the child care centre, will be dedicated for exclusive use. This reduces the potential availability of spaces servicing the retail and commercial components of the site, although is not an unrealistic expectation of the child care centre, to ensure the safety and security of children accessing this.

Having regard to this, and the shortfall that is proposed by the applicant, the designation of such spaces is considered to impede the outcomes associated with the use of the site.

It is therefore considered that, given the intensification of use that is proposed, the outcome sought for on-site car parking provision is diametrically opposed to a sound planning outcome. The application, in its current form, is not supportable on this aspect alone.

2.5 Implementation of the Development

As indicated previously our Client is the tenant of the existing medical centre within the site.

While not a town planning issue, our Client maintains an existing lease within the site until August 2018.

The existing lease arrangements do not maintain a demolition clause.

Therefore, while a commercial matter between the landlord and tenant, in absence of appropriate commercial terms being negotiated, the development in its current form cannot proceed.

We would therefore recommend to the Council, as part of their planning considerations, that despite this being a commercial issue, the Council contemplates how the application may be implemented in the event that appropriate relocation and refurbishment terms are not reached.

2.6 Staging of Development

Given that there are existing tenants on the site, including that of our Client, it is imperative from a trading perspective that the Council has an understanding of the staging of the development across the site, as part of its assessment.

Assuming that all uses will not cease their operations during construction of the development, it is imperative that, at all times, sufficient car parking numbers are provided to service the site. Given that the site already operates with an existing parking shortfall, to further reduce this over the construction period would be detrimental to existing trade and have extensive flow on impacts for car parking on the surrounding street network. This is contrary to **Section 79C(1)(b)** of the **Environmental Planning & Assessment Act 1979** (the Act).

As is the case with the approval of other retail and commercial developments within the Fairfield Local Government Area, sufficient car parking must be provided on the site at all times, including during the construction period. Without such, the proposed development has the potential to result in adverse environmental and economic impacts.

In the event that this cannot be supplied, then adequate arrangements must be made to ensure that suitable provision is made at all times during construction, despite whether such a reduction is only temporary.

Therefore, as part of its consideration of the development application, the Council is obliged to consider how the development would be staged and, in doing so, ensure that adequate accessibility arrangements to the existing tenancies is made available over this period. In absence of this, the development application cannot be approved, pursuant to **Section 79C(1)(b) of the Act**.

2.7 Waste Management

The applicant has supplied a Waste Management Plan with the application. However, this Plan states that waste associated with the medical centre facility will be dealt with specifically by the tenant.

This is remiss, as the medical centre tenancy within the development has specific waste requirements associated with the use and adequate space requirements should be incorporated, as part of future planning within the redevelopment of the site.

While it is acknowledge that the architectural plans do show an area for such purpose, no consultation has been undertaken with the existing medical centre tenant to determine whether the layout, as shown, is fit for purpose.

Therefore, it is considered that the applicant has an obligation to consult with the tenant as part of the development application process, to avoid issues, at a later stage, in ensuring that adequate waste facilities are provided on the site.

3.0 Conclusions

On the basis of the above submissions, it is our view that the application is not supportable having regard to the matters raised above. In particular, the site specific nature of the planning provisions that have been established for the site do not correspond with the application as proposed. Having regard to matters of flooding; building height; car parking and design, the application should not be supported in its current form.

Moving forward, we would respectfully request that we are advised of any amended application associated with this proposal and/or any Independent Hearing and Assessment Panel or Joint Regional Planning Panel meetings.

Should you have any further queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Kristy Lee
Director

In reply please quote: 7820.35DA SM/AJB

Contact: Mrs Sue Morris on 9725 0863

Date of Determination: 1st April, 1998

Operative Date: 2nd April, 1998

Tim Shellshear
Architect
32 Willoughby Street
KIRIBILLI NSW 2061

Dear Sir,

Environmental Planning & Assessment Act, 1979

NOTIFICATION OF DETERMINATION OF DEVELOPMENT APPLICATION

Pursuant to Section 92 of the Act notice is hereby given of the determination by Fairfield City Council of Development Application No. 134/98 relating to the land described as follows:-

Lot 1, DP. 730010, Nos. 49-61 Spencer Street, Fairfield.

Proposed Development:- Conversion of Existing Retail Area Fronting Spencer Street to a 24-Hour Medical and Dental Centre and Chemist Shop.

The development application has been determined by the granting of consent subject to the conditions specified in this notice.

The conditions of consent are set out as follows:-

AMENDMENTS

1. Development shall take place in accordance with the approved plans:-
 - a. as amended in red by Council; and
 - b. excepting as modified by the following conditions.

OFF-STREET CAR PARKING AND SERVICING

The following conditions have been applied to ensure that the development has provided adequate carparking and vehicular servicing areas and to prevent conflict within the public road system.

2. All deliveries to the premises shall be made to the existing loading bays provided. Under no circumstances shall vehicles stand on Council Lane for the purpose of loading/unloading.

3. 24-hour access shall be provided for staff and patient access to the existing rooftop carpark.
4. The carrying out of works in Council land and the carpark access ramps off Council Lane and Smart Street necessary to enable the flow of traffic in the land to be reused (ie to become in off Spencer Street and out onto Smart Street). These works will be carried out by Council at full cost to Council.

WORKS ON ADJACENT ROADS

The following conditions have been applied to ensure that adequate and safe public access is provided to the site for both pedestrian and vehicular traffic.

5. Where the development has direct ground floor access to the road reserve, i.e. shop frontages, the internal floor levels shall be fixed with respect to the footway boundary levels which will be issued by Council's Subdivision Control Branch.

SERVICES

The following conditions have been applied to ensure that adequate utility installations are provided to the site to serve the development and to satisfy the requirements of the relevant planning instrument.

6. The applicant shall submit an application to Integral Energy giving details of the proposed development together with two (2) copies of the ground floor plan for determination of electricity supply requirements. Integral Energy may require a sub-station on site with appurtenant easements to be granted. In this regard the applicant is to submit a letter from Integral Energy to the effect that all Integral Energy's requirements have been satisfied prior to the release of the Building Approval.

SITE OPERATION

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

7. The off-street carparking spaces together with access driveways shall be made available at all times to staff and customers.
8. The display and sale of all goods shall be contained wholly within the shop.
9. All vehicular entries and exits shall be made in a forward direction.
10. All vehicles awaiting loading or unloading shall be parked on site not on adjacent or nearby public roads.

11. No public address system or sound amplifying equipment shall be installed so as to permit the emission of sound onto any public place.
12. All Specialist and General Practice surgeries shall be allocated to one (1) practitioner only and shall not be operated on a shared basis without prior approval of Council.
13. No methadone shall be dispensed from the site under any circumstances.

GENERAL

The following conditions have been applied to ensure that the development is conducted so as not to be prejudicial to the amenity of the local environment and to achieve the objectives of the relevant planning instruments and statutory authorities.

14. All building materials shall be compatible in type, colour and texture throughout the whole project. All external metal deck surfaces shall be of a bonded finish. Details and colour of building materials shall be submitted for approval with the Building Application.
15. All used needles and/or syringes shall be disposed of in an approved sharps container or similar device.
16. Written evidence shall be submitted to Council that the proposed development as outlined, has been submitted to and approved by the Radiation Control Branch of the Department of Health of N.S.W.
17. No advertising signs or structures shall be erected without the prior consent of Council. The applicant is advised as an initial step to contact the Environmental Services Department - Approvals Division on telephone 9725-0222, with regards to the erection of signs.

LOCAL GOVERNMENT ACT

The following conditions have been applied to ensure that the development complies with the provisions of the Local Government Act and the Building Code of Australia (BCA).

18. A building application accompanied by three (3) copies of plans and specifications shall be submitted to Council in accordance with Part 2 Division 1 Local Government (Approvals) Regulation 1993.
19. A hoarding shall be erected complying with Council's Hoarding Code prior to the undertaking of any demolition or construction works on the site. Approval for hoarding/s to be obtained from Council.

20. Portable fire extinguishers shall be installed in the building or portions of the building, compatible to the hazard/s posed by equipment or functions associated with the use of the building.

Installation and maintenance of fire extinguishers shall comply with Australian Standard 2444 and the BCA Clause E1.6.

21. No building works shall be commenced on-site without prior Building Approval being obtained from Council.
22. The building shall not be occupied until the total development has been completed to Council's satisfaction.

CLEAN WATERS ACT AND STORMWATER DRAINAGE

The following conditions have been applied to ensure that the development complies with the provisions of the Clean Waters Act, 1970, and to ensure that stormwater drainage collected on and/or passing through the site is conveyed through a controlled system to prevent nuisance and damage to the subject land and adjacent land.

23. All liquid wastes other than stormwater arising on the premises shall be discharged to the sewer in accordance with the requirements of Sydney Water or other approved contractor.
24. Any "Pollutant" as defined by Section 5, Clean Waters Act, 1970, shall not be discharged from the premises.
25. A plan showing full details of stormwater and sewerage drainage lines and inlets shall be submitted to Council prior to occupation of the factory.

NOTE 1: Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve (12) months after receipt of this notice.

NOTE 2: You are advised of your responsibilities under the Federal Government's Disability Discrimination Act, 1992, to ensure that adequate access is provided to all people with Disabilities within the meaning of the same Act (Section 4).

Council requires you to lodge a Schedule of Compliance demonstrating your compliance with the objectives of the Disability Discrimination Act, with the Building Application. Access to all facilities associated with the development should be considered within the Schedule. Inability to provide access to all facilities must be identified and justified.

NOTE 3: Council is undertaking alterations to traffic management in Spencer Street. This scheme requires that the traffic flow in Council Lane be reversed and therefore some changes will be required to the carpark ramps and loading bays/garbage areas. All works are to be carried out at Council's cost.

This consent shall lapse unless development, the subject of this consent, is commenced within two (2) years from the endorsed date of consent or as otherwise provided under Section 99 of the Act.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Chris Weston', written over a faint circular stamp.

CHRIS WESTON
MANAGER, ENVIRONMENTAL APPROVALS